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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,413	09/23/2003	Arlynn Wilson	710101.1040	2026
24504 7590 01/31/2008 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 600 GALLERIA PARKWAY, S.E. STE 1500 ATLANTA, GA 30339-5994				
			EXAMINER SINGH, RAMNANDAN P	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 01/31/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;"></div> <p style="text-align: center;"><b>Office Action Summary</b></p>	<b>Application No.</b> 10/668,413	<b>Applicant(s)</b> WILSON, ARLYNN	
	<b>Examiner</b> Ramnandan Singh	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>Sep 23, 2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "substantially" in claim 10 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. A similar thing holds for claim 26.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 18-21, 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hofmann [US 6,418,372 B1].

Regarding claim 18, although the title of the Hofmann's invention is "electronic Visitor Guidance system" based on the application of his invention, Hofmann expressly discloses a communication method, comprising the steps of:

providing a transceiver (60b) associated with indicator (20);

transmitting, to the transceiver, data indicating where the transceiver (or the location indicator ) is located at including an intermediate terminal or a central office; and

controlling a physical layer of the transceiver (i.e. physical layer compliant) based on the location indication data to locate specific transceivers [Fig. 2B; col. 4, lines 9-38; col. 2, lines 42-48; col. 1, lines 44-57].

Regarding claim 21, Hofmann further discloses the method, comprising the step of retrieving the data from memory (64b) [Fig. 25; col. 4, lines 18-20].

Regarding claim 23, Hofmann further discloses the method, wherein the controlling step comprises the step of controlling a power level of the signal [col. 8, lines 43-49].

Regarding claim 24, Hofmann further discloses the method, wherein the transmitting step comprises the step of transmitting the data over a network [col. 3, line 53 to col. 4, line 6].

Regarding claims 19 and 20, Hofmann further discloses the method, wherein the data is based on a mechanical switch or pin (or button) [Figs. 3A, 3B, 4; col. 4, line 53 to col. 5, line 29].

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-5, 7-10, 12-14, 16-17, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofmann [US 6,418,372 B1].

Regarding claim 1, since Hofmann teaches a communication system comprising a portable device (30) having a transceiver coupled to a location indicator (20), as shown in Figs 2A, 2B, to locate the transceiver (i.e. portable device) [col. 4, lines 9-38; col. 2, lines 42-48; col. 1, lines 44-57; Fig. 4; col. 6, lines 13-56]; it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to apply this methodology to a plurality of portable devices in order to cover a larger area of navigation for the portable devices located at different physical locations at any point in time [Hofmann; col. 5, lines 30-40].

Claims 10, 17 and 26 are essentially similar to claim 1 and are rejected for the reasons stated above.

Regarding claim 5, Hofmann further teaches the system, wherein the location indicator (20) comprises a data value stored in memory (64b) [Fig. 25; col. 4, lines 18-20].

Claim 14 is essentially similar to claim 5 and is rejected for the reasons stated above.

Regarding claim 7, Hofmann further teaches the system, wherein the logic, based on the location indicator [col. 6, lines 13-28], is configured to control a power level of a signal transmitted by one of the transceivers. [col. 8, lines 43-49].

Claims 16 and 29 are essentially similar to claim 7 and are rejected for the reasons stated above.

Regarding claims 8-9, Hofmann further teaches the system, wherein a network is configured to transmit data indicative of the location indicator to the plurality of transceivers via an operational control channel of the network [col. 3, line 53 to col. 4, line 6].

Regarding claims 3, 12, 4, 13, Hofmann further discloses the method, wherein the data is based on a mechanical switch or pin (or button) [Figs. 3A, 3B, 4; col. 4, line 53 to col. 5, line 29].

7. Claims 7, 16, 22-25, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofmann as applied to claims 1, 10, 18 and 26 above, and further in view of Tran [US 20020019954 A1].

Regarding claim 25, Hofmann does not teach expressly controlling a power level of the transceiver as a function of frequency.

Tran teaches controlling power of a transceiver using an auto power down system [Figs. 1-4; Para: 0007; 0019-0031], wherein Fig. 5 depicts a state machine to implement the auto power down system [Para: 0032-0040; claims 1-24].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Tran with Hofmann

in order to regulate power consumption of a transceiver in a communications network [Tran; Para: 0002].

Regarding claims 7, 16, 23 and 29, the limitations are shown above.

Regarding claim 24, Tran further teaches the method, wherein the transmitting step comprises the step of transmitting the data over a network [Para: 0019-0024].

Claim 30 is essentially similar to claim 24 and is rejected for the reasons stated above.

Regarding claim 22, Tran further teaches the method, wherein the controlling step comprises the step of controlling a frequency of the signal [Para: 0024].

Claim 28 is essentially similar to claim 22 and is rejected for the reasons stated above.

Regarding claim 27, Tran further teaches the method, wherein the signal is transmitted through a cable, and wherein the method further comprises the step of transmitting a signal from the central office transceiver through the cable [Para: 0014-0016; 0019].

8. Claims 2, 6, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofmann as applied to claims 1 and 10 above, and further in view of Kerstein et al [US 6,011,799].

Regarding claim 2, Hofmann does not teach expressly one-bit indicator. However, this is well-known in the art.

Kerstein et al teach a method and system for managing external physical layer devices, such as transceivers, using a one-bit indicator to indicate one destination port [Figs. 1-7; col. 6, line 59 to col. 7, line 10; col. 3, line 58 to col. 4, line 8; col. 5, lines 41-63].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Kerstein et al with Hofmann in order to manage external physical layer transceivers [Kerstein et al; col. 2, lines 23-27].

Claim 11 is essentially similar to claim 2 and is rejected for the reasons stated above.

Regarding claim 6, the combination of Hofmann and Kerstein et al further teach the system, wherein the logic is configured to control a bandwidth of at least one of the transceivers based on the location indicator [Kerstein et al; Fig. 1; col. 2, line 66 to col. 3, line 13].

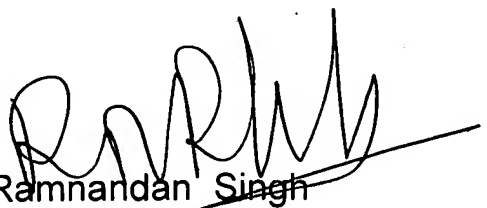
Claim 15 is essentially similar to claim 6 and is rejected for the reasons stated above.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose

telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ramnandan Singh  
Primary Examiner  
Art Unit 2614